

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

DELHIA A. ALLISON

§

V.

§

RAYTHEON

§

CASE NO. 4:10CV438  
Judge Schneider/Judge Mazzant

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 17, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss Under Federal Rules 12(b)(5) and 12(b)(6) (Dkt. #13) should be DENIED. The report further recommended that Plaintiff prepare service of process on the named Defendant by January 14, 2011, after which the Clerk of the Court will issue process and the United States Marshal shall serve process upon the Defendant

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant's Motion to Dismiss Under Federal Rules 12(b)(5) and 12(b)(6) (Dkt. #13) is **DENIED**.

It is further **ORDERED** that Plaintiff shall prepare service of process on the named Defendant by January 14, 2011, after which the Clerk of the Court will issue process and the United States Marshal shall serve process upon the Defendant.

**It is SO ORDERED.**

SIGNED this 5th day of January, 2011.



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE